

AFFIDAVIT

I, Anthony DeMarco, Affiant, herein being duly sworn under oath that:

1. I am a Special Agent (“SA”) with the Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”), and I have been so employed since September 2020. I am currently assigned to the ICE/HSI Office in Kansas City and investigate criminal acts and violations of all laws related to customs and immigration. Prior to my employment as a Special Agent, I served nine years in various leadership positions in the United States Army, to include with the 173rd Airborne Brigade Combat Team and on Commanding General-level staffs. In addition to my military service, my professional experience includes over five years as an Investigative Analyst with the United States Department of Justice and the United States Department of Homeland Security, Customs and Border Protection.

2. Throughout my tenure in this assignment, I have led and participated in numerous illegal immigration and weapons related investigations. My training and experience have involved immigration enforcement, weapons identification, interview techniques, wire and electronic surveillance, physical surveillance, search warrant executions, arrests of numerous members of transnational criminal organizations, and the handling of cooperating sources and sources of information.

3. I submit this affidavit in support of a criminal complaint/arrest warrant for Jose JUAREZ COLMENERO for a violation of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(8), that is, alien in possession of a firearm.

4. This affidavit is based upon my personal knowledge, experience and training, and other information developed during this investigation. This affidavit is also based upon information and experience imparted to me by other law enforcement officers. Because this

Affidavit is being submitted for the limited purpose of establishing probable cause and securing a complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.

FACTS ESTABLISHING PROBABLE CAUSE

5. On or about December 1, 2006, JUAREZ COLMENERO crossed the International Boundary in the vicinity of Laredo, Texas, without proper immigration documents allowing him to enter or remain in the United States legally. JUAREZ COLMENERO was not inspected by an Immigration Officer at a designated Port of Entry. At the time of this entry, JUAREZ COLMENERO was inadmissible to the United States under section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (“INA”).

6. On January 26, 2025, Immigration and Customs Enforcement (“ICE”) received an investigative lead that JUAREZ COLMENERO was residing in Kansas City, Missouri. The genesis for the lead was an arrest by the Missouri State Highway Patrol (“MSHP”) of JUAREZ COLMENERO for Driving While Intoxicated (“DWI”) on January 25, 2025. Records checks in government immigration databases confirmed that JUAREZ COLMENERO is a citizen of Mexico and is present in the United States without admission or parole. Immigration officers determined that JUAREZ COLMENERO was removable under 212(a)(6)(A)(i) of the INA, as amended, in that he is an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

7. On February 11, 2025, an administrative warrant for arrest for being illegally present in the United States was issued on JUAREZ COLMENERO. On the same date, ICE Deportation Officers (“DO”) were conducting surveillance operations at JUAREZ COLMENERO’s suspected residence in preparation for serving the arrest warrant. Officers

observed JUAREZ COLMENERO exit the residence and enter a black 2024 Toyota Camry bearing Missouri Tags CZ4L0W. The Camry (CZ4L0W) was operated by JUAREZ COLMENERO during the January 25, 2025, encounter with the MHSP. Records checks in government databases confirmed that the Camry (CZ4L0W) is registered to JUAREZ COLMENERO.

8. On the same date, ICE officers initiated a traffic stop on the vehicle in Kansas City, Missouri and encountered Jose JUAREZ COLMENERO. JUAREZ COLMENERO was taken into custody and transported to ICE/ERO Kansas City for processing. During the traffic stop, officers located on the driver's side floorboard, one firearm, determined to be a Glock 19, 9-millimeter pistol bearing serial number BUYB629 with one extended 32-round magazine, and 32 rounds of 9-millimeter ammunition. JUAREZ COLMENERO was the operator and lone occupant in the vehicle. During routine booking questions, JUAREZ COLMENERO stated that he is a citizen of Mexico and entered the United States illegally. During processing, ICE officers utilized biometric fingerprint identification to affirmatively identify JUAREZ COLMENERO.

9. On the same day, subsequent to the traffic stop and arrest, JUAREZ COLMENERO waived his Miranda rights and agreed to speak with investigators. In that statement, JUAREZ COLMENERO admitted to owning and being in possession of the firearm and ammunition. JUAREZ COLMENERO explained to investigators that he utilized a "straw purchaser" to obtain the firearm from a gun show. In the same statement, JUAREZ COLMENERO admitted to investigators that he entered the United States without inspection at a designated port of entry in 2006.

10. On February 19, 2025, JUAREZ COLMENERO waived his Miranda rights and agreed to speak with investigators. In that statement, JUAREZ COLMENERO admitted that he

and his immigration attorney received four correspondences from United States Citizenship and Immigration Service. These correspondences each informed JUAREZ COLMENERO that he did not have immigration status or a valid visa to remain in the United States legally or that his application for a valid visa was denied.

11. Special Agent Carpenter, a nexus expert with the Bureau of Alcohol, Tobacco, Firearms and Explosives, was contacted regarding the recovered firearm and ammunition and, following an inspection, determined that they were not manufactured in the State of Missouri. Because the firearm and ammunition were manufactured elsewhere, they necessarily crossed state lines and were transported in interstate commerce prior to February 11, 2025.

FURTHER AFFIANT SAYETH NAUGHT.

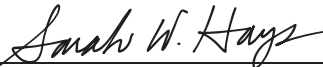
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Date: 2025.02.24 16:17:24 -06'00'

ANTHONY T. DEMARCO
Special Agent
Department of Homeland Security

Subscribed to and sworn to before me via reliable

electronic means this 25th day of February 2025, via telephone at 9:44 am


HONORABLE SARAH W. HAYS
United States Magistrate Judge
Western District of Missouri